

Missouri Attorney General's Opinions - 2005

Opinion	Date	Topic	Summary
38-2005	July 8	TOWNSHIPS. TOWNSHIP ROADS.	The signature of a husband and wife who reside within a township are counted as two of the twelve petition signatures for purposes of Section 228.110. Residents who sign the petition may include residents of the township or townships through which the road runs, whose land is not contiguous with the road at issue.
52-2005	Mar 4	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition regarding a proposal to amend Article IV, Section 36(a) of the Constitution of Missouri concerning technology parks.
56-2005	Mar 25	INITIATIVE PETITION. INITIATIVES.	Review and approval of legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning the initiative petition proposal to amend Article IV, Section 36(a) of the Constitution of Missouri regarding the imposition of an additional sales tax for the promotion and development of technology parks in southwest Missouri.
57-2005	Mar 25	INITIATIVE PETITION. INITIATIVES.	Review and approval of legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal to amend Article IV, Section 36(a) of the Constitution of Missouri regarding the imposition of an additional sales tax for the promotion and development of technology parks in southwest Missouri.
65-2005	June 23	JOINT RESOLUTIONS. SENATE JOINT RESOLUTION.	Review and approval of legal content and form of a proposed summary statement prepared pursuant to Section 116.160, RSMo, concerning a proposed constitutional amendment passed by the Missouri General Assembly (Senate Joint Resolution No. 1) to reauthorize for ten years the one-tenth percent sales/use tax for soil and water conservation and state parks and historic sites and to submit this issue to a vote every ten years or at an earlier special election.
66-2005	June 23	JOINT RESOLUTIONS. SENATE JOINT RESOLUTION.	Review and approval of legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning a proposed constitutional amendment passed by the Missouri General Assembly (Senate Joint Resolution No. 1) to reauthorize for ten years the one-tenth percent sales/use tax for soil and water conservation and state parks and historic sites and to submit this issue to a vote every ten years or at an earlier special election.

83-2005	Sept 30	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition regarding a proposed amendment to the Constitution of Missouri to add a new section, Section 37(b) of Article IV, relating to a tobacco tax.
87-2005	Oct 21	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 8 of Article VIII, relating to candidates filing for multiple political parties (version 2).
88-2005	Oct 21	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 8 of Article VIII, relating to candidates filing for multiple political parties and the nomination process (version 2).
89-2005	Oct 21	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 38(d) of Article III, relating to stem cell research.
97-2005	Oct 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal relating to a tobacco tax.
98-2005	Oct 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for a constitutional amendment relating to a tobacco tax.
101-2005	Nov 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal relating to a constitutional amendment allowing candidates to file with multiple political parties and changing the nominating process.
102-2005	Nov 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal relating to a constitutional amendment allowing candidates to file with multiple political parties.
103-2005	Nov 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal relating to a constitutional amendment about stem cell research.
106-2005	Nov 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning

			the initiative petition proposal for a constitutional amendment allowing candidates to file with multiple political parties.
107-2005	Nov 10	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for a constitutional amendment allowing candidates to file with multiple political parties and changing the nominating process.
108-2005	Nov 7	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 208, RSMo, relating to Medicaid (version 3).
110-2005	Nov 18	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article IX, Sections 1 through 14 of the Constitution of Missouri.
111-2005	Nov 18	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article I, Section 7 of the Constitution of Missouri.
112-2005	Nov 14	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for a constitutional amendment relating to stem cell research.
113-2005	Nov 28	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for statutory amendments relating to Medicaid.
117-2005	Dec 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal to amend Article I, Section 7 of the Constitution of Missouri.
119-2005	Dec 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 208, RSMo, relating to Medicaid (version 4).
120-2005	Dec 12	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition to amend Article IX, Sections 1 through 14 of the Constitution of Missouri.
122-2005	Dec 6	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for statutory amendments relating to Medicaid (version 4).

123-2005	Dec 9	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition proposal to amend Article IX, Sections 1 through 14 of the Constitution of Missouri.
124-2005	Dec 12	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning an initiative petition (version 4) to amend Chapter 208, RSMo, relating to Medicaid.
125-2005	Dec 16	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of Version 4 of an initiative petition to amend Article I, Section 7 of the Constitution of Missouri.
128-2005	Jan 3 2006	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.334, RSMo, concerning the initiative petition proposal for a constitutional amendment (version 4) relating to Article I, Section 7.
129-2005	Dec 23	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 3) to amend Section 37(b) of Article IV of the Constitution of Missouri.

TOWNSHIPS:
TOWNSHIP ROADS:

The signature of a husband and wife who
reside within a township are counted as two
of the twelve petition signatures for purposes

of Section 228.110. Residents who sign the petition may include residents of the township or townships through which the road runs, whose land is not contiguous with the road at issue.

OPINION NO. 38-2005

July 8, 2005

Honorable Dan Clemens
Missouri State Senator
State Capitol Building
Jefferson City, MO 65101

Dear Senator Clemens:

You have requested an opinion on the following two questions:

- (1) Will the signatures of a husband and wife who live in a township constitute two of the twelve required signatures required by Section 228.110, RSMo?
- (2) Under Section 228.110, RSMo, can the twelve residents of a township reside anywhere within the township the road runs through, or must the twelve residents own property that is contiguous with the road?

Section 228.110, RSMo (2000), provides, in pertinent part, as follows:

1. *Any twelve residents of the township or townships through which a road runs* may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts.... [Emphasis added.]

Your first question is whether a husband and wife who live in a township are considered one, or two, of "any" of the "twelve residents" for purposes of the signature requirement of Section 228.110. The answer is two.

We are guided by the plain meaning of the words used in a statute, and look to dictionary definitions where, as here, the Legislature has not provided definitions. *Southwestern Bell Yellow Pages, Inc. v. Director of Revenue*, 94 S.W.3d 388, 391 (Mo. banc 2003). First, the statute contains no explicit limitation concerning the counting of signatures of residents who are married.

Second, the broad, dictionary definitions of the words used encompass married persons. As noted, the word "any" qualifies "twelve residents" in section 228.110.1. "Any" means "1: one indifferently

Honorable Dan Clemens
July 8, 2005
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out of more than two ... a: one or another ... b: one no matter what one; EVERY ... 3a: great, unmeasured, or unlimited in amount, quantity, number, time or extent...." WEBSTER'S THIRD NEW INT'L DICTIONARY, p. 97 (1993). A "resident" is "1 : one who resides in a place : one who dwells in a place for a period of some duration...." *Id.* at 1931.

The Legislature's 1990 amendment of Section 228.110, replacing "any twelve freeholders" with the current term, "any twelve residents," L. 1990, H.B. No. 1070, is consistent with this broad reading of the statute. A "freeholder" is "one who possesses a freehold." BLACK'S LAW DICTIONARY, p. 675 (7th ed. 1999). A "freehold" is "an estate of land held in fee simple, in fee tail or for term of life." *Id.* The 1990 amendment affords the opportunity to petition for vacation of a road to more persons – not just those who possess an estate of land in a township, but those who reside there. That the Legislature amended the statute to authorize more persons to sign a petition is consistent with reading the plain language of the statute to authorize each married person to sign a petition.

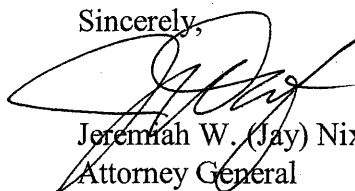
Your second question is whether only those residents who own property that is contiguous with the road at issue may sign a petition. The answer is no. As noted above, we look to the plain language of section 228.110.1. It contains no such limitation – the statute simply requires that persons who sign must be "residents of the township or townships through which [the] road runs." And where contiguity of the property is pertinent, the Legislature will explicitly so provide. *See* section 228.110.2 (requiring that notice be "personally served on all the persons residing in the district whose lands are crossed or touched by the road proposed to be vacated").

Our interpretation is reinforced by the case, *In the Matter of The Big Hollow Road; England, et al. v. Henry Bailey, et al.*, 40 Mo.App. 363 (Mo. App. 1890), where the court construed a predecessor of the current law, Section 29, Sess. Acts 1887, p. 252. Because that version of the law did not explicitly "confine the right of filing" a petition to those persons "of the township whose lands are crossed or touched by the road proposed to be vacated," the court held that contiguity was not a prerequisite to participation in filing the petition. *Id.*

Conclusion

It is the opinion of this Office that the signature of a husband and wife who reside within a township are counted as two of the twelve petition signatures for purposes of Section 228.110. It is also the opinion of this Office that residents who sign the petition may include residents of the township or townships through which the road runs, whose land is not contiguous with the road at issue.

Sincerely,



Jeremiah W. (Jay) Nixon
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

March 4, 2005

OPINION LETTER 52-2005

The Hon. Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main St.
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 24, 2005, for our review under Section 116.332, RSMo., of the sufficiency as to form of an initiative petition to amend Article IV, Section 36(a) of the Constitution of Missouri. A copy of the initiative petition that you submitted to this office is attached for reference.

We approve the petition as to form. Section 116.332, RSMo. 2000, however, gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

March 25, 2005

OPINION LETTER NO. 56-2005

The Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter submitting a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning the initiative petition proposal to amend Article IV, Section 36(a) of the Constitution of Missouri. (A copy of your letter is attached for reference.) The fiscal note summary that you submitted is as follows:

This proposed constitutional amendment will impose an additional sales tax of one-tenth of one percent for one year. The additional revenues of approximately \$79 million will be used for the promotion and development of one or more Technology Parks in southwest Missouri.

Pursuant to Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON
Attorney General

A handwritten signature in black ink, appearing to read "Karen King Mitchell", written over the printed name.

KAREN KING MITCHELL
Chief Deputy Attorney General

attachment



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
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March 25, 2005

CORRECTED VERSION

OPINION LETTER NO. 57-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter submitting to us a summary statement for the initiative petition to amend Article IV, Section 36(a) of the Constitution of Missouri. (A copy of your letter is attached for reference.) The summary statement, prepared pursuant to Section 116.334, RSMo (2000), is as follows:

Shall the Missouri Constitution be amended to impose for a period of one year a state sales/use tax of one tenth of one percent to provide additional money for the State Economic Development Department to be used solely for the promotion and development of one or more "Technology Parks" in southwest Missouri, subject to the provisions of and to be collected as provided in the "Sales Tax Law" and the "Compensating Use Tax Law" and subject to the rules and regulations promulgated in connection therewith?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, or as the expression of any view regarding the objectives of its proponents.

Sincerely,

JEREMIAH W. (JAY) NIXON
Attorney General

KAREN KING MITCHELL
Chief Deputy Attorney General

attachment



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
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June 23, 2005

OPINION LETTER NO. 65-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of June 20, 2005, submitting to us a summary statement for SJR 1, prepared pursuant to Section 116.160, RSMo (2000). The proposed summary statement is as follows:

Shall Article IV, Section 47(a), (b), and (c) of the Missouri Constitution be amended to:

- A) reauthorize for ten years the one-tenth percent sales/use tax for (1) soil and water conservation; (2) state parks and historic sites; and
- B) resubmit this issue to a vote every ten years or at an earlier special election?

Pursuant to Section 116.160, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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ATTORNEY GENERAL

P.O. Box 899
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June 23, 2005

OPINION LETTER NO. 66-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of June 16, 2005, submitting a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning Senate Joint Resolution No. 1. The fiscal note summary that you submitted is as follows:

The proposed constitutional amendment continues until 2016, but does not increase, the existing sales and use tax of one-tenth of one percent that is set to terminate in 2008. The tax would generate approximately \$82 million annually for soil and water conservation efforts and operation of the state park system.

Pursuant to Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Nixon", is written over a large, stylized circular flourish.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
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Opinion No. 83-2005

September 30, 2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated September 21, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 37(b) of Article IV, relating to a tobacco tax.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a large, stylized, and somewhat abstract signature.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
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October 21, 2005

Opinion No. 87-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 7, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 8 of Article VIII, relating to candidates filing for multiple political parties (Version 2).

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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ATTORNEY GENERAL

P.O. Box 899
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October 21, 2005

Opinion No. 88-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 7, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 8 of Article VIII, relating to candidates filing for multiple political parties and the nomination process (Version 2).

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", is written over a large, stylized, cursive flourish.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
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October 21, 2005

Opinion No. 89-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 11, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to adopt a new section of the Constitution of Missouri, to be known as Section 38(d) of Article III, relating to stem cell research.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jay Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
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ATTORNEY GENERAL

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October 21, 2005

OPINION LETTER NO. 97-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of October 21, 2005, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, relating to a tobacco tax. The fiscal note summary that you submitted is as follows:

Additional taxes of four cents per cigarette and twenty percent of the manufacturer's invoice price on other tobacco products generates an estimated \$351 - \$499 million annually for tobacco use prevention and cessation programs, treatment of chronic diseases and medical conditions, health care access, and administrative costs. Local governmental fiscal impact is unknown.

Pursuant to Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

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October 21, 2005

OPINION LETTER NO. 98-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of October 21, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for a constitutional amendment relating to a tobacco tax. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to create a Healthy Future Trust Fund which will:

1. be used to reduce and prevent tobacco use, to treat chronic disease and increase funding for health care access and treatment for eligible low-income uninsured Missourians and Medicaid recipients, and to cover administrative costs;
2. be funded by a tax of four cents per cigarette and twenty percent on other tobacco products; and
3. be kept separate from general revenue and annually audited?

Honorable Robin Carnahan
Page 2

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Nixon", with a large, sweeping flourish extending to the left.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 10, 2005

Opinion Letter No. 101-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of October 31, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, relating to a constitutional amendment allowing candidates to file with multiple political parties and changing the nominating process. The fiscal note summary that you submitted is as follows:

The proposed constitutional amendment would have an estimated zero fiscal impact on state government. Fiscal impact on local government is unknown.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 10, 2005

Opinion Letter No. 102-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of October 31, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, relating to a constitutional amendment allowing candidates to file with multiple political parties. The fiscal note summary that you submitted is as follows:

The proposed constitutional amendment would have an estimated zero fiscal impact on state government. Fiscal impact on local government is unknown.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 10, 2005

Opinion Letter No. 103-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of October 31, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, relating to a constitutional amendment about stem cell research. The fiscal note summary that you submitted is as follows:

The proposed constitutional amendment would have an estimated annual fiscal impact on state and local governments of \$0 - \$68,916.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899,
(573) 751-3321

November 10, 2005

OPINION LETTER NO. 106-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of November 3, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for a constitutional amendment allowing candidates to file with multiple political parties. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to allow a candidate for elective office to receive the nomination of multiple political parties, provided that a candidate may receive no more than one vote per ballot for each office sought and that for the purpose of determining a political party's eligibility to be automatically listed on future ballots, each vote for a party's candidates shall be tallied separately?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon".

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 10, 2005

OPINION LETTER NO. 107-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of November 3, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for a constitutional amendment allowing candidates to file with multiple political parties and changing the nominating process. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to allow a candidate for elective office to receive the nomination of multiple political parties, provided that:

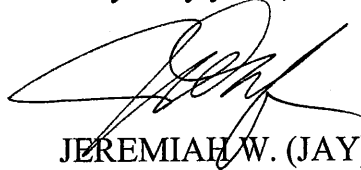
- a candidate may receive no more than one vote per ballot for each office sought;
- for the purpose of determining a party's eligibility to be automatically listed on future ballots, each vote for a party's candidates shall be tallied separately; and
- candidates of a political party other than the two major parties shall be nominated by that party's nominating committee?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take

Honorable Robin Carnahan
Page 2

with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. (Jay) Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 7, 2005

OPINION NO. 108-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 3, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 208 of the Revised Statutes of Missouri, relating to Medicaid (version 3).

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", is written over a large, stylized, circular graphic element.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 18, 2005

OPINION NO. 110-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 9, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of Version 3 of an initiative petition to amend Article IX, Sections 1 through 14, of the Constitution of Missouri.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a circular stamp or seal.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 18, 2005

OPINION NO. 111-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 9, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of Version 3 of an initiative petition to amend Article I, Section 7, of the Constitution of Missouri.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
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P.O. Box 899
(573) 751-3321

November 14, 2005

OPINION LETTER NO. 112-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of November 10, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for a constitutional amendment relating to stem cell research. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical and public oversight and annual reports on the nature and purpose of stem cell research;
- impose criminal and civil penalties for any violations; and
- prohibit state or local governments from preventing or discouraging lawful stem cell research, therapies and cures?

Honorable Robin Carnahan
Page 2

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremiah W. Nixon', written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

November 28, 2005

OPINION LETTER NO. 113-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of November 18, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for statutory amendments relating to Medicaid. The proposed summary statement is as follows:

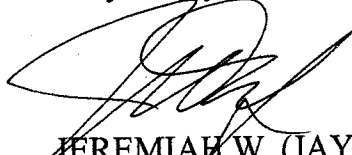
Shall Missouri statutes be amended to:

- reinstate state Medicaid healthcare programs and services for eligible low income Missouri families, children, elderly, and disabled;
- modify the income eligibility limit for Missourians who receive permanent and total disability benefits or aid to the blind benefits;
- include healthcare coverage for custodial parents of children who are eligible to receive Medicaid benefits; and
- continue the state Medicaid program beyond the current deadline of June 30, 2008?

Honorable Robin Carnahan
Page 2

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremiah W. Nixon', written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 9, 2005

Opinion Letter No. 117-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of November 29, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, relating to an initiative petition to amend Article I, Section 7 of the Constitution of Missouri. The fiscal note summary that you submitted is as follows:

The fiscal impact to state and local governments is unknown.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

December 1, 2005

OPINION LETTER NO. 119-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 30, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 208 of the Revised Statutes of Missouri, relating to Medicaid (version 4).

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-9321

December 12, 2005

OPINION LETTER NO. 120-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of December 12, 2005, submitting to us a revised summary statement prepared under Section 116.334, RSMo, relating to an initiative petition to amend Article IX, Sections 1 through 14 of the Constitution of Missouri. The proposed summary statement is as follows:

Shall the Missouri constitution be amended to fund elementary and secondary education and two years of college by:

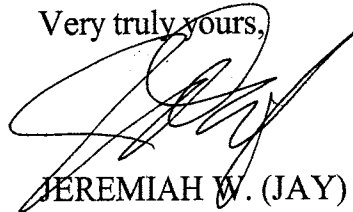
- Allowing the use of public money for religious purposes and institutions;
- Changing the dedicated minimum amount of the state revenue from 25% to 33%;
- Funding school vouchers at 100% for public and 75% for non-public students and allowing tax credits for school donations;
- Prohibiting districts from imposing additional testing standards or raising funds through taxation;

Honorable Robin Carnahan
Page 2

- Reducing the amount of lottery and gaming revenues available for public education by dividing those funds equally among public and non-public students?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremiah W. Nixon', is written over the typed name.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 6, 2005

OPINION LETTER NO. 122-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of December 2, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for statutory amendments relating to Medicaid (version 4). The proposed summary statement is as follows:

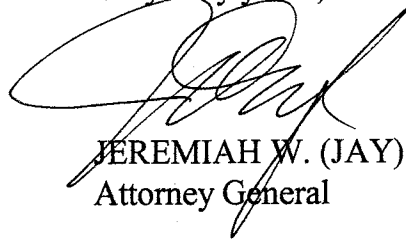
Shall Missouri statutes be amended to:

- reinstate state Medicaid healthcare programs and services for eligible low income Missouri families, children, elderly, and disabled;
- modify the income eligibility limit for Missourians who receive permanent and total disability benefits or aid to the blind benefits;
- include healthcare coverage for custodial parents of children who are eligible to receive Medicaid benefits; and
- continue the state Medicaid program beyond the current deadline of June 30, 2008?

Honorable Robin Carnahan
Page 2

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Nixon", is written over the printed name and title.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 9, 2005

OPINION LETTER NO. 123-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of December 8, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, relating to an initiative petition to amend Article IX, Sections 1 through 14 of the Constitution of Missouri. The fiscal note summary that you submitted is as follows:

Funding for all public & non-public K-14 schools shall be the sole responsibility of the state legislature. The estimated state impact exceeds \$3.5 billion annually. Because public K-14 schools shall no longer assess local taxes, the impact on local government is unknown, as they are subject to funding from the state legislature.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 12, 2005

OPINION LETTER NO. 124-2005

Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

This office is in receipt of your letter of December 7, 2005, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition (version 4) to amend Chapter 208 of the Revised Statutes of Missouri, relating to Medicaid. The fiscal note summary that you submitted is as follows:

The estimated annual fiscal impact on state government is approximately \$368 million. The estimated fiscal impact on local government, if any, is unknown.

Pursuant to § 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 16, 2005

OPINION NO. 125-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 14, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of Version 4 of an initiative petition to amend Article I, Section 7, of the Constitution of Missouri.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-8321

January 3, 2006

OPINION LETTER NO. 128-2005

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This office is in receipt of your letter of December 23, 2005, submitting to us a summary statement prepared under Section 116.334, RSMo, for a constitutional amendment (Version 4) relating to Article I, Section 7. The proposed summary statement is as follows:

Shall the Missouri constitution be amended to allow the use of public funds to aid any church, denomination or religious sect?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

December 23, 2005

OPINION NO. 129-2005

The Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 23, 2005, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition (version 3) to adopt a new section of the Constitution of Missouri, to be known as Section 37(b) of Article IV, relating to a tobacco tax.

We approve the petition as to form. But Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jay Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General